

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RUSSELL L. SILICATO, individually, and)
KATHERINE L. SILICATO, individually,) C.A. NO. 1:07-cv-00557-GMS
)
Plaintiffs,)
vs.)
TIMOTHY RYAN RICHARDSON,)
individually, and)
CHARLES A KLEIN & SONS INC,)
a Foreign Corporation,)
)
Defendants.)

NOTICE

TO: Timothy Ryan Richardson
8226 Shira Drive
Berlin, MD 21811

PLEASE TAKE NOTICE that the original of the enclosed Complaint was filed upon the Secretary of State of Delaware pursuant to 10 Del. C. Section 3104.

Service on the Secretary pursuant to 10 Del. C. Section 3104 is as effectual to all intents and purposes as if it had been made upon you personally within the State of Delaware.

/s/ David P. Cline

David P. Cline, Esq. (#2681)
1300 North Market Street
Suite 700
Wilmington, DE 19801
302-529-7848
Attorney for Plaintiffs

Date: 10/04/07

Letter to Defendant, Timothy Ryan Richardson,
regarding long arm service of process as
prescribed by Section 3104 of the Delaware
Code of 1953

David P. Cline

davidcline@mylawman.com

Attorney-at-Law

Let Mylawman become Yourlawman.™

LICENSED TO PRACTICE IN
DE MD NJ NY & PA

FAX 302 654-0884

715 N. KING ST., 1ST FLOOR
PO BOX 33
WILMINGTON DE 19899-0033
302 529 - 7848
302 LAW-SUIT

PHILADELPHIA, PA 19103
MEDIA, PA 19063
MT LAUREL, NJ 08054

PLEASE NOTE NEW ADDRESS ABOVE; P.O. BOX REMAINS SAME

October 4, 2007

Timothy Ryan Richardson
8226 Shira Drive
Berlin, MD 21811

VIA REGISTERED MAIL/RETURN RECEIPT REQUESTED & REGULAR MAIL

Re: Russell L. Silicato, et al. vs. Timothy Ryan Richardson, et al.
Case No.: 07-557 GMS

Dear Mr. Richardson:

Please take notice that the enclosed process and complaint have been served upon the Secretary of State as prescribed by Section 3104 of Title 10 of the Delaware Code of 1953. This service upon the Secretary of State is made as if that service had been made upon you personally. Enclosed please find a copy of the Service of Process and the Complaint. Please note that you have 20 days from the date of service of this letter to file an answer to this complaint or a default judgment will be entered against you. A copy of that answer must be served upon me.

Please turn this matter over to the auto insurance company that was in effect on the date of this accident. If you do not have insurance that will cover you for this accident please contact me at the above. Thank you.

Very truly yours,

/s/ David P. Cline
(signed electronically)

David P. Cline

Enclosure
DPC/AS/a

Return of Service from Secretary of State for
Defendant, Timothy Ryan Richardson, for long
arm service of process as prescribed by Section
3104 of the Delaware Code of 1953

UNITED STATES DISTRICT COURT

District of Delaware

RUSSELL L. SILICATO, individually, and)
 KATHERINE L. SILICATO, individually,)
 Plaintiffs,
 V.
 TIMOTHY RYAN RICHARDSON, individually and)
 CHARLES A. KLEIN & SONS, INC., a foreign
 corporation, Defendants.

SUMMONS IN A CIVIL CASECASE NUMBER: 7GMS

TO: (Name and address of Defendant)
 TIMOTHY RYAN RICHARDSON
 8226 SHIRA DRIVE,
 BERLIN, MD 21811

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

DAVID P. CLINE, ESQUIRE
 715 KING STREET, SUITE 100
 P.O.BOX 33
 WILMINGTON, DE 19899-0033
 (302) 529-7848

an answer to the complaint which is served on you with this summons, within Twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

DATE

9/17/07

(By) DEPUTY CLERK

E. Shucklin

RETURN OF SERVICE

Service of the Summons and complaint was made by me(1)	DATE 9/28/07
NAME OF SERVER (PPJNT) GRANVILLE MORRIS	TITLE SPECIAL PROCESS SERVER

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served: _____
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____
- Returned unexecuted: _____
- Other (specify): SERVED: TIMOTHY RYAN RICHARDSON UNDER 10 DEL. CODE SEC 3104 C/O THE DELAWARE SECRETARY OF STATE TOWNSEND BLDG. DOVER, DE COPIES THEREOF WERE ACCEPTED BY KAREN CHARBANEAU

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 9/28/07

Date

Signature of Server

BRANDYWINE PROCESS SERVERS, LTD.
P.O. BOX 1360
WILMINGTON, DE 19899-1360
302- 475-2600

Original Complaint Filed on
September 17, 2007

07-557

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating his civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS <i>Silicato, Russell & Katherine, husband & wife, and individually</i>		DEFENDANTS <i>Richardson, Timothy Ryan, Individually</i>
(b) County of Residence of First Listed Plaintiff <u>New Castle</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant <u>Worcester</u> (IN U.S. PLAINTIFF CASES ONLY)
(c) Attorney's Firm Name, Address, and Telephone Number <i>302-529-7848</i> <i>715 King St,</i> <i>Ste. 101, Box 33, Wilm, DE 19899-0033</i>		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
J 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input type="checkbox"/> 4
J 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)		CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
		<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
		<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
		<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	28 USC 157	<input type="checkbox"/> 430 Banks and Banking
		<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 635 Personal Injury - Product Liability		<input type="checkbox"/> 450 Commerce
		<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 638 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 460 Deportation
		<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 R.R. & Truck		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
		<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs.		<input type="checkbox"/> 480 Consumer Credit
		<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input checked="" type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational Safety/Health		<input type="checkbox"/> 490 Cable/Sat TV
		<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 690 Other		<input type="checkbox"/> 510 Selective Service
		<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities Exchange
		<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge
		<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 880 Other Statutory Actions
REAL PROPERTY		CIVIL RIGHTS	PRISONER PETITIONS	PROPERTY RIGHTS	SOCIAL SECURITY	
		<input type="checkbox"/> 410 Land Condemnation	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395f)		<input type="checkbox"/> 893 Environmental Matters
		<input type="checkbox"/> 420 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 862 Black Lung (923)		<input type="checkbox"/> 894 Energy Allocation Act
		<input type="checkbox"/> 430 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 863 DIWC/DIWW (405(g))		<input type="checkbox"/> 895 Freedom of Information Act
		<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 864 SSDI Title XVI		<input type="checkbox"/> 900 Appellate Fee Determination Under Equal Access to Justice
		<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 865 RSI (405(g))		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			
			<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
			<input type="checkbox"/> 440 Other Civil Rights			
V. ORIGIN		(Place an "X" in One Box Only)				
<input checked="" type="checkbox"/> Original Proceeding		<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation
		<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment				
VI. CAUSE OF ACTION		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <i>28 U.S.C. § 1332 - DIVERSITY</i>				
		Brief description of cause: <i>PERSONAL INJURY-Auto</i>				

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions): <i>NONE</i>	JUDGE <i>A</i>	DOCKET NUMBER
---------------------------------	---------------------------------	----------------	---------------

DATE	<i>9/11/07</i>	SIGNATURE OF ATTORNEY OF RECORD <i>Daryl J. Flory</i>
FOR OFFICE USE ONLY		
RECEIPT #	AMOUNT	APPLYING IFFP
JUDGE	MAG. JUDGE	

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

RUSSELL L. SILICATO, individually, and)
KATHERINE L. SILICATO, individually,) C.A. NO.
)
Plaintiffs,)
vs.)
TIMOTHY RYAN RICHARDSON,)
individually, and)
CHARLES A KLEIN & SONS INC,)
a Foreign Corporation,)
)
Defendants.)

COMPLAINT

Plaintiffs, Russell L. Silicato and Katherine L. Silicato, through their counsel, David P. Cline, Esquire and Steven J. Stirparo, Esquire, say by way of Complaint that:

JURISDICTION**I. JURISDICTION BASED ON DIVERSITY OF CITIZENSHIP**

1. Jurisdiction is based on diversity of citizenship and the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000), exclusive of interest and costs.
2. Jurisdiction is based on diversity of citizenship under 28 U.S.C. § 1332.

VENUE

3. Venue lies under 28 U.S.C. Section 1391.

PARTIES

4. Plaintiff, Russell L. Silicato, is and was at all times pertinent hereto a resident of the state of Delaware, residing at 3080 Wrangle Hill Road, Bear, Delaware 19701.

5. Plaintiff, Katherine L. Silicato, is and was at all times pertinent hereto a resident of the state of Delaware, residing at 3080 Wrangle Hill Road, Bear, Delaware 19701, and is the wife of plaintiff, Russell L. Silicato.

6. Defendant, Timothy Ryan Richardson, an individual, upon information and belief, is believed at all times pertinent hereto, a resident of the state of Maryland, residing at 8226 Shira Drive, Berlin, Maryland 21811.

7. Defendant, Charles A Klein & Sons Inc., a Foreign Corporation, upon information and belief, is believed to be at all times pertinent hereto, a Foreign Corporation of the state of Maryland, with its principal place of business located at 5220 Klee Mill Road, Sykesville, Maryland 21784.

8. At all times pertinent hereto, defendant Timothy Ryan Richardson was acting within the course and scope of his employment with defendant Charles A Klein & Sons Inc. Therefore, defendant Charles A Klein & Sons Inc is responsible for the reckless, wanton and/or negligent actions and/or inactions of defendant Timothy Ryan Richardson as an agent, employee and/or servant under the doctrine of *Respondeat Superior* and the law of agency as the principal, employer or master.

COUNT I

9. Plaintiffs hereby incorporate paragraphs 1 through 8 as if fully set forth herein.

10. On September 17, 2005, at approximately 11:50 a.m., plaintiff, Russell L. Silicato, was operating his motorcycle traveling in a southerly direction on Race Track Road, with his wife Katherine L. Silicato as his passenger.

11. At the same time and place, defendant, Timothy Ryan Richardson, was operating a vehicle owned by Charles A Klein & Sons Inc, traveling in a northerly direction on Race Track

Road and operated such vehicle in a negligent, careless and/or reckless manner, by failing to yield to oncoming traffic while attempting to make a left hand turn, causing his vehicle to violently collide into plaintiff, Russell L. Silicato's motorcycle.

12. This incident was the result of the negligence, carelessness, and /or recklessness of the defendant, Timothy Ryan Richardson, and was not caused in any manner whatsoever by the act or failure to act on the part of the plaintiffs.

13. The aforesaid collision and plaintiff Russell L. Silicato's resulting injuries and damages were proximately caused by the recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson in that he:

- a. failed to maintain a proper lookout while operating the vehicle he was driving;
- b. failed to give full time and attention to the operation of the vehicle he was driving;
- c. operated the vehicle he was driving in a careless and imprudent manner, without due regard for traffic conditions then existing;
- d. failed to exercise and maintain proper control over the vehicle he was driving;
- e. failed to give full time and attention to the operation of his motor vehicle; and
- f. violated the common-law duty of lookout.

14. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato suffered severe bodily injuries including, but not limited to, injuries to his neck, upper back, shoulders, ribs, right thumb, right hip, right foot and right arm. Some or all of his injuries have continued since the collision and are permanent in nature.

15. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato has incurred, and will continue to incur in the future, medical and related expenses for his care and treatment.

16. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato has incurred in the past and will incur in the future, pain, suffering, discomfort and mental anguish.

17. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato has sustained in the past and may sustain in the future a loss of earnings and/or earning capacity.

18. As a further direct and proximate result of the recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato suffered the loss of consortium and companionship of her husband, Russell L. Silicato, as a result of his injuries.

COUNT II

19. Plaintiffs hereby incorporate paragraphs 1 through 18 as if fully set forth herein.

20. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato suffered severe bodily injuries including, but not limited to, injuries to her right knee. Some or all of her injuries have continued since the collision and are permanent in nature.

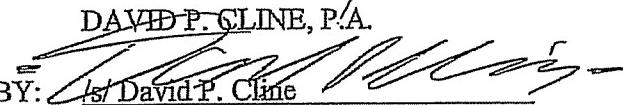
21. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato has incurred, and will continue to incur in the future, medical and related expenses for her care and treatment.

22. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato has incurred in the past and will incur in the future, pain, suffering, discomfort and mental anguish.

23. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato has sustained in the past and may sustain in the future a loss of earnings and/or earning capacity.

24. As a further direct and proximate result of the recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato suffered the loss of consortium and companionship of his wife, Katherine L. Silicato, as a result of her injuries.

WHEREFORE, plaintiffs demand judgment against defendants, jointly and severally, for their special and general damages, including pain and suffering, punitive damages, attorney fees, pre and post judgment interest, the costs of this action and other such relief as the Court finds just.

DAVID P. CLINE, P.A.

BY: /s/ David P. Cline
David P. Cline, Esq. (#2681)
715 King Street, Suite 100
P.O. Box 33
Wilmington, DE 19899-0033
Attorney for Plaintiffs
(302) 529-7848

Dated: September 17, 2007

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 57

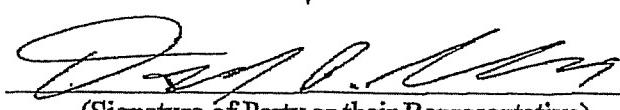
ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

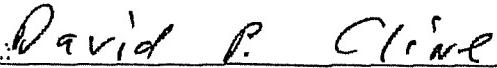
I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

17 Sept 2007

(Date forms issued)



(Signature of Party or their Representative)



(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

RUSSELL L. SILICATO, individually, and)	
KATHERINE L. SILICATO, individually,)	C.A. NO. 1:07-cv-00557-GMS
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<i>Plaintiffs,</i>)
vs.)
)
TIMOTHY RYAN RICHARDSON,)
individually, and)
CHARLES A KLEIN & SONS INC,)
a Foreign Corporation,)
)
<i>Defendants.</i>)

NOTICE OF SERVICE

I, David P. Cline, Esquire, hereby certify that on this 4th day of October, 2007 copies of the **NOTICE UNDER 10 DEL.C. §3104 UNDER DELAWARE LONG ARM STATUTE TO DEFENDANT, TIMOTHY RYAN RICHARDSON** were filed electronically with the U.S. District Court and sent by registered and regular mail to:

Timothy Ryan Richardson
8226 Shira Drive
Berlin, MD 21811

DAVID P. CLINE, P.A.

BY: /s/ David P. Cline
DAVID P. CLINE, ESQUIRE (#2681)
1300 Market Street, Suite 700
P.O. Box 1970
Wilmington, DE 19899-1970
(302) 529-7848
Attorney for Plaintiffs

Dated: 10/4/07